

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

VERA RAY, et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 4:03CV265

AMERICAN HOME PRODUCTS CORPORATION  
d/b/a WYETH, et al.

DEFENDANTS

**ORDER**

This court previously stayed this case pending final resolution of *Collins ex rel Collins v. American Home Products*, 343 F.3d 765 (5<sup>th</sup> Cir. 2003), which involved remand issues similar to those in the instant case. On April 18, 2005, the United States Supreme Court denied certiorari in *Collins*, and the litigation of that case is now complete. The court therefore concludes that the stay previously entered by this court should be lifted. In its prior order dated February 13, 2004, this court noted that, after the resolution of *Collins*, plaintiffs would have leave to re-file their motion to remand. Plaintiffs may now do so if they wish, but the court would advise them to first review the Fifth Circuit's recent decision in *McDonald v. Abbott Laboratories*, 2005 WL 957142 (5<sup>th</sup> Cir. April 26, 2005).<sup>1</sup> In *McDonald*, the Fifth Circuit affirmed a Mississippi district court's denial of a motion to remand in a case which appears to have some similarities to the instant case. If plaintiffs should elect to seek remand once again, they should explain to this court the bases upon which this case is distinguishable from *McDonald*.

In light of the foregoing, it is ordered that the stay previously entered in this case is lifted.

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<sup>1</sup>The court will not re-enter a stay in this case pending final resolution of *McDonald*.

**SO ORDERED** this 16<sup>th</sup> day of May, 2005.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**